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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,756	09/15/2000	MANABU OHGA	35.C14795	3508

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NEW YORK, NY 10112

EXAMINER
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NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/662,756

Applicant(s)

OHGA, MANABU

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 16-18 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/26/00
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is responsive to amendment filed on January 11, 2005.

Applicant cancels claims 13, 14, amends claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, and adds new claims 16-17.

#### ***Election/Restrictions***

1. Newly submitted claims 16-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
2. Inventions I, (claims 1-12, 15), and II, (claims 16-18), are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as inputting the color image signal, correcting the inputted color image signal according to the inputted observation condition; invention I has separate utility such as converting a color image signal depending on an input device to a color image signal depending on an input-side observation condition and not depending on the input device, converting the color image signal to a color signal composed of a red, green, blue component, correcting the color signal to generate a color signal according to the output-side observation condition, converting the color signal according to the output-side observation condition to a color signal depending on an output device; outputting the color image signal, judging whether or not the red, green, blue component are approximately the same. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations in claim 15 such as the first non-linear correction, the second linear correction, and a conversion from an input achromatic color to an output achromatic color must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- 12, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouzaki (US Patent No. 5,446,476).

Concerning claims 1 and 8, Kouzaki discloses an image processing apparatus and method (Fig.10) of inputting a color image signal and correcting the color image signal according to an observation condition comprising the means for or steps of inputting the color signal (5), judging whether or not the inputted color image signal represent achromatic color (95); correcting the inputted color image signal (96) according to the observation condition (input from 60); controlling the correction step according to a result of the judgment such that the corrected input color image signal remains achromatic color when it is judged that the inputted color image signal represents achromatic color (Figs. 1, 3, 4, 12; col. 4, line 56–68; col. 6, lines 6-52).

Concerning claims 2-7, 10-12, Kouzaki further teaches that the color image signal depends on an input-side observation condition and does not depend on a device, (Figs.3-4; col. 4, lines 53-68) (claim 2); wherein the color image signal is represented by an RGB color space according to a standard white point of an input-side observation light (Fig.4; col. 4, lines 56-63),

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(claim 3); in the correction step, the inputted color image signal is converted into a color image signal depending on an output side observation condition (input from the operation panel 60) and wherein, when the inputted color image signal represents achromatic color, the corrected inputted color image signal is an achromatic color signal under a standard white point of an output-side observation light (the lightning condition input to the color balancing section 88 in Fig.15 or to the gamma correction section 89 in Fig.18), (col. 7, line 5 – col. 8, line 35), (claim 4); converting a device dependent color image signal (RGB) into a device-independent color image signal (DR, DG, DB) based on an input profile (the setting in Figs.2-3), wherein whether or not the controlling step is executed depends on information in the input profile or users manual instruction (col.4, lines 23-52), (claims 5-6); converting the corrected inputted color image signal into a color image depending on an output device, on the basis of an output profile (Figs.20-23; col. 7, line 64 – col. 8, line 64), (claim 7); obtaining a conversion condition for converting the inputted color image signal into a color space (DR, DG, DB), not depending on a color device (Fig.6) wherein the judging step includes judging whether or not the converted color image signal represent achromatic color (95, Fig.10), (claim 10); the color space is defined by red, green and blue color components (Fig.6, 8 or 10), (claim 11); the correction according to the observation condition is a correction process which uses a color appearance model (Figs.3-4, 20-23) and performs non-linear correction (Figs.11-12), (claim 12).

Concerning claim 9, Kouzaki discloses a recording medium (in a computer) for storing a computer-readable program with a plurality of codes for executing an image processing method as discussed in claim 1 above.

Concerning claim 15, Kouzaki discloses an image processing method (Fig.10) comprising an input step of inputting a color image signal; a first correction step (96) of performing a non-linear correction (Fig.12) on the inputted color image signal according to an observation condition (input data from the operation panel 60); a second correction step (98) of performing a linear correction (Figs.13) on the inputted color image signal according to the observation condition; a conversion step of, when the inputted color image signal represents achromatic color converting the input color image signal (RGB) such that an output signal representing achromatic color is output (CMYK); wherein the second correction step is executed, the conversion step is not executed due to the fact that there is no input achromatic color data to convert to output achromatic color data (the switching of selector 94), (col. 6, lines 23-52).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Yamaguchi (US Patent No. 5,239,370) discloses a color image forming apparatus having color-correcting unit based on different kind of the input image including achromatic color image.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

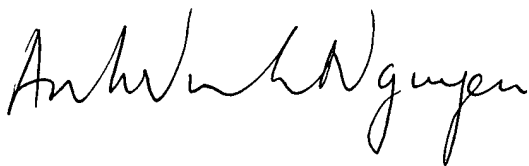
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

June 7, 2005